

REMARKS

Objection to the Specification

The specification has been objected to for the following reasons:

The disclosure is objected to because of the informality on page 4, line 30, wherein "dependant" should be changed to "dependent". This change has been made.

Claim Objection

Claim 4 is objected to for a typographical error. Claim 4 has been amended.

35 U.S.C. § 102(b)

Claims 1-4, 6-8 have been rejected under 35 U.S.C. § 102(b) as anticipated by EP 0795397. This rejection is respectfully traversed for the following reasons.

In the rejection, it appears that the Examiner's is asserting that the layered rubber compounds of EP 0795397 would achieve the recited 90% cure at 120° C in less than 30 minutes, "since the specification as filed discloses that the layered rubber compounds with a layer thickness of 0.1 mm, made from the same rubber composition and having the same curatives in the same amount, achieve" the recited cure. This rejection is unclear and appears to use Applicants own teachings against them in determining patentability - something which is impermissible hindsight.

Under the requirements of 35 U.S.C. § 102(b), the *cited reference* must disclose each and every element of the claimed invention. To meet the 102(b) requirements, EP 0 795 397 must disclose a compound that achieves the recited cure in the recited time. EP '397 makes no such assertion, claim, or suggestion. At most, all EP '397 teaches is splitting the cure package into two different layered objects. EP '397 teaches nothing about cure times, or selecting cure packages that cannot be cured by conventional means, as taught by applicant.

The Examiner refers to a specific compound disclosed in the application in Table 1. As noted prior to Table 1, the compound is an ultra-fast curing compound. The compound cannot be cured by conventional mixing means as the scorch time is very short. The present invention is directed to compounding and then mixing the rubber in such a manner that ultra-fast curing compounds can be used in a more conventional method. In the one example of Table 1, the example is shown that a fast curing compound can be split into two non-reactive rubber blends. Yes, by then layering Compound A and B of Table 1 as recited, it is expected to have a cure of less than 30 minutes - that is the entire goal of the invention.

But there is nothing in EP '397 that using a split cure situation as cited to cure ultra-fast curing products; there is nothing in EP '397 that teaches that any of the conventional compounds disclosed would achieve the recited fast cure.

It is respectfully requested that the rejection of the claims under 35 U.S.C. § 102 be withdrawn as EP '397 fails to teach and disclose every element of the claimed invention. To apply Applicant's own teachings in a method of achieving an ultra fast curing article is applying impermissible hindsight.

35 U.S.C. § 103(a)

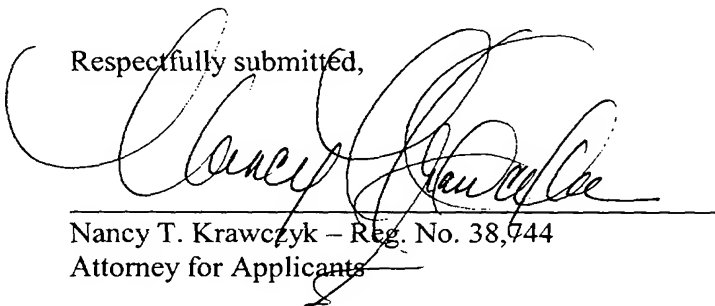
Claim 5 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 0795397. This rejection is respectfully traversed for the following reasons.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0795397 in view of Nadeau, Jr. et al (US 4,556, 382).

Both of the above rejections are based upon the 102 rejection of the claims over EP '397. As argued above, EP '397 fails to teach or disclose a method of producing an ultra fast curing elastomeric article as recited.

Thus, the Examiner is respectfully requested to allow all pending claims.

Respectfully submitted,



Nancy T. Krawczyk – Reg. No. 38,744
Attorney for Applicants

The Goodyear Tire & Rubber Company
Department 823
1144 East Market Street
Akron, Ohio 44316-0001
Telephone: (330) 796-6366
Facsimile: (330) 796-9018